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Resolution 2331 (2016)

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The Security Council,

Recalling Presidential Statement 2015/25,

Taking note of the Secretary-General's reports S/2016/949, as well as S/2015/203 and S/2016/361,

Recalling its primary responsibility for the maintenance of international peace and security, in accordance with the Charter of the United Nations,

Recalling the United Nations Convention against Transnational Organized Crime, and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which includes the first internationally agreed definition of the crime of trafficking in persons and provides a framework to effectively prevent and combat trafficking in persons, and *further recalling* the United Nations Global Plan of Action to Combat Trafficking in Persons,

Recognizing that trafficking in persons in areas affected by armed conflict and post-conflict situations can be for the purpose of various forms of exploitation, including exploitation of the prostitution of others or other forms of sexual exploitation, forced labour, slavery or practices similar to slavery, servitude or the removal of organs; *further recognizing* that trafficking in persons in armed conflict and post-conflict situations can also be associated with sexual violence in conflict and that children in situations of armed conflict and persons displaced by armed conflict, including refugees, can be especially vulnerable to trafficking in persons in armed conflict and to these forms of exploitation,

Reiterating the critical importance of all Member States fully implementing relevant Security Council resolutions, including resolutions 2195 (2014) and 2253 (2015), which express concern that terrorists benefit from transnational organized crime in some regions, including from the trafficking in persons among others, as well as 2242 (2015), which expresses concern that acts of sexual and gender-based violence are known to be part of the strategic objectives and ideology of certain terrorist groups; and *recognizing* the connection between trafficking in persons, sexual violence and terrorism and other transnational organized criminal activities,

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which can prolong and exacerbate conflict and instability or intensify its impact on civilian populations,

Expressing deep concern that acts of sexual and gender-based violence, including when associated to trafficking in persons, are known to be part of the strategic objectives and ideology of certain terrorist groups, used as a tactic of terrorism and an instrument to increase their finances and their power through recruitment and the destruction of communities, as described in the relevant Secretary-General's Reports; that trafficking in persons, in particular women and girls, remains a critical component of the financial flows to certain terrorist groups; and that, when leading to certain forms of exploitation, is being used by these groups as a driver for recruitment,

Recognizing that trafficking in persons entails the violation or abuse of human rights, and *underscoring* that certain acts or offences associated with trafficking in persons in the context of armed conflict may constitute war crimes; *and recalling further* the responsibilities of States to end impunity and to prosecute those responsible for genocide, crimes against humanity, war crimes as well as other crimes and the need for States to adopt appropriate measures within their national legal systems for those crimes for which they are required under international law to exercise their responsibility to investigate and prosecute,

Expressing solidarity with victims of trafficking in persons, including victims of trafficking in persons in armed conflict and post-conflict situations and in humanitarian crisis derived from them; *noting in this regard* the importance of assistance and services for the physical, psychological and social recovery, rehabilitation and reintegration; *recognizing* the extreme trauma experienced by the victims of trafficking in persons in the context of armed conflict and sexual violence in conflict, and that humanitarian organizations should consider this vulnerability in humanitarian planning,

Reaffirming that trafficking in persons in the context of armed conflict, especially women and girls, cannot and should not be associated with any religion, nationality, or civilization,

Emphasizing the importance of engaging religious and traditional leaders, paying particular attention to amplifying the voices of women and girls alongside men and boys, with the objective of countering terrorism and violent extremism which can be conducive to terrorism, refuting the justification of trafficking in persons in the context of armed conflict and sexual or other violence in conflict, addressing the stigmatization suffered by survivors and facilitating their return and reintegration in families and communities,

Recalling all its resolutions on children and armed conflict that call for the protection of children affected by armed conflicts; *condemning* all violations and abuses against children in armed conflict and *noting in particular* that the recruitment and use of children in violation of applicable international law by parties to armed conflict can be associated with trafficking in persons; *expressing grave concern* over the high numbers of girls and boys among persons trafficked in armed conflict and their heightened vulnerability to violations and abuses, including girls and boys who are forcibly displaced by armed conflict, particularly when separated from their families or caregivers,

Recalling resolution 2249 (2015), in which the Security Council condemns in the strongest terms the gross, systematic, and widespread abuses of human rights and violations of international humanitarian law by ISIL (also known as Daesh), and resolution 2253 (2015), in which the Security Council condemns in the strongest terms abductions of women and children, including by ISIL, ANF, and associated individuals, groups, undertakings and entities, expresses outrage at their exploitation and abuse, including rape and sexual violence, forced marriage, and enslavement by these entities, and notes that any person or entity who transfers funds to ISIL directly or indirectly in connection with such exploitation and abuse would be eligible for listing by the Security Council Committee established pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning ISIL (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities,

Noting with concern the criminal misuse of information and communications technologies, particularly the Internet, to facilitate the trafficking of persons, in particular the sale and trade, by certain terrorist groups and emphasizing the importance of countering such use as part of counter-terrorism efforts while respecting human rights and fundamental freedoms and in compliance with other obligations under international law,

1. *Condemns* in the strongest terms all instances of trafficking in persons in areas affected by armed conflicts, and stresses that trafficking in persons undermines the rule of law and contributes to other forms of transnational organized crime, which can exacerbate conflict and foster insecurity and instability and undermine development;

2. *Calls upon* Member States:

(a) That have not yet done so, to consider as a matter of priority ratifying or acceding to and to fully implement the United Nations Convention Against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, as well as all relevant international instruments;

(b) To take decisive and immediate action to prevent, criminalize, investigate, prosecute and ensure accountability of those who engage in trafficking in persons, including in the context of armed conflict, in which it is particularly important that evidence of such crimes be collected and preserved so that investigations and prosecutions may occur;

(c) To investigate, disrupt and dismantle networks involved in trafficking in persons in the context of armed conflict, in accordance with national legislation, including anti-money-laundering, anti-corruption and anti-bribery laws and, where appropriate, counter-terrorism laws, *and underscores in this regard* the importance of international law enforcement cooperation, including with respect to investigation, documentation, and prosecution of trafficking cases, *calls in this regard* for the continued support of the United Nations Office on Drugs and Crime (UNODC) and other relevant United Nations entities, and international and regional bodies, including INTERPOL, as appropriate, in providing technical assistance upon request and within their existing mandates, and *encourages* Member States to consider establishing jurisdiction in line with article 15 of the UN Convention against Transnational Organized Crime;

(d) To implement robust victim, and possible victim, identification mechanisms and provide access to protection and assistance for identified victims without delay, also in relation to trafficking in persons in armed conflict, including where such victims are refugees and internally displaced persons (IDPs), and to address comprehensively victims' needs, including the provision of or access to medical, psychosocial assistance and legal aid, as well as ensure that victims are treated as victims of crime and in line with domestic legislation not penalized or stigmatized for their involvement in any unlawful activities in which they have been compelled to engage; calls in this regard for the continued support of UNODC and other relevant United Nations entities, including UNHCR, as well as international and regional bodies, including IOM, in assisting Member States, upon request, with identification of and assistance to trafficking victims;

3. *Encourages* Member States to:

(a) Build strong partnerships with the private sector and civil society, including local women organizations, and to redouble their efforts by encouraging these actors to provide information helping to identify, disrupt, dismantle and bring to justice individuals and networks involved in trafficking in persons in areas affected by armed conflict, including by training relevant officials such as law enforcement personnel, border control officers, labour inspectors, consular or embassy officials, judges and prosecutors and peacekeepers to identify indicators of trafficking in persons in areas affected by armed conflict in supply chains;

(b) Consider that in some circumstances trafficking in persons in armed conflict in all its forms and sexual violence in conflict can cause large movements of refugees and migrants; recalls the Convention Relating to the Status of Refugees and/or its Protocol relating to the Status of Refugees; and furthermore *urges* that all refugee-receiving countries provide information on the services available to victims of trafficking and sexual violence survivors, ensure sustainable psychosocial support and provide survivors with the option to document their cases for future legal action to hold traffickers accountable, and that due consideration is given to clarifying and securing the legal status of undocumented refugee children, including refugee children conceived as a result of sexual violence or exploitation, to avoid situations of possible statelessness;

4. *Encourages* the Financial Action Task Force (FATF) and FATF-Style Regional Bodies (FSRBs) to consider including an analysis of financial flows associated with trafficking in persons that finances terrorism as part of its ongoing work, in close cooperation with CTED, the Analytical Support and Sanctions Monitoring Team and with UNODC;

5. *Calls on* those Member States who have not yet done so to develop the expertise of their Financial Intelligence Units (FIUs) to analyse cases of trafficking in persons that finance terrorism, and encourages them to work together to develop that capacity, and, in this regard, *further encourages* Member States and relevant UN entities and other international and regional organizations to provide other States which may need so, upon their request, with the financial, material and technical assistance that they may require to build the capacity mentioned above;

6. *Calls on* Member States to consider reinforcing legal and regulatory measures to facilitate the sharing of information, both domestically and

internationally, between law enforcement and regulatory actors and the private sector as well as within the private sector, in line with applicable international and national law, to help identify and detect suspicious financial activity related to trafficking in persons that finances terrorism, while also recognizing the need to protect the confidentiality of personal data of victims;

7. *Recalls* its decision, in resolution 1373 (2001) that all Member States shall ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice, *urges* all States to ensure that their domestic laws and regulations establish serious criminal offenses sufficient to provide the ability to prosecute and penalize in a manner duly reflecting the seriousness of the offence of trafficking in persons committed with the purpose of supporting terrorist organizations or individual terrorists, including through the financing of and recruitment for the commission of terrorist acts;

8. *Stresses* that acts of trafficking in persons in armed conflict and sexual and gender-based violence in conflict, including when it is associated to trafficking in persons in armed conflict, can be part of the strategic objectives and ideology of, and used as a tactic by certain terrorist groups, by, inter alia, incentivizing recruitment; supporting financing through the sale, trade and trafficking of women, girls and boys; destroying, punishing, subjugating, or controlling communities; displacing populations from strategically important zones; extracting information for intelligence purposes from male and female detainees; advancing ideology which includes the suppression of women's rights and the use of religious justification to codify and institutionalize sexual slavery and exert control over women's reproduction; and therefore *encourages* all relevant actors at the national, regional and international level to ensure that such considerations are taken into account, in accordance with their obligations under international law and national laws;

9. *Underlines further* that achieving the strategic objectives noted above may entail the use of various forms of sexual violence in conflict, also when associated with trafficking in persons in the context of armed conflict, including, inter alia, rape, sexual slavery, forced prostitution and forced pregnancy, and *notes* that these different forms of sexual violence in conflict may require tailored programmatic responses including specialized medical and psychosocial assistance and analysis as a basis for action;

10. *Affirms* that victims of trafficking in persons in all its forms, and of sexual violence, committed by terrorist groups should be classified as victims of terrorism with the purpose of rendering them eligible for official support, recognition and redress available to victims of terrorism, have access to national relief and reparations programmes, contribute to lifting the sociocultural stigma attached to this category of crime and facilitate rehabilitation and reintegration efforts; *furthermore emphasizes* that survivors should benefit from relief and recovery programmes, including health care, psychosocial care, safe shelter livelihood support and legal aid and that services should include provision for women with children born as a result of wartime rape, as well as men and boys who may have been victims of sexual violence in conflict, including when it is associated with trafficking in persons in armed conflict;

11. *Condemns* all acts of trafficking, particularly the sale or trade in persons undertaken by the "Islamic State of Iraq and the Levant" (ISIL, also known as Da'esh), including of Yazidis and other persons belonging to religious and ethnic minorities, and *condemns* also any such trafficking in persons and violations and other abuses committed by Boko Haram, Al-Shabaab, the Lord's Resistance Army, and other terrorist or armed groups for the purpose of sexual slavery, sexual exploitation, and forced labour, *recognizes* the importance of collecting and preserving evidence relating to such acts in order to ensure that those responsible can be held accountable, and *notes* that such acts may also contribute to the funding and sustainment of such groups or to serve other strategic objectives as outlined in paragraph 5 above;

12. *Expresses its intention* to consider targeted sanctions for individuals and entities involved in trafficking in persons in areas affected by armed conflict and in sexual violence in conflict, and *encourages* information exchange and other appropriate forms of cooperation between relevant United Nations entities, including the Special Representative on Sexual Violence in Conflict and the Special Representative on Children in Armed Conflict, within their respective mandates, regarding initiatives and strategies to curb trafficking in persons in the context of armed conflict;

13. *Expresses* further its intention to integrate the issue of trafficking in persons in the areas affected by armed conflict and sexual violence in conflict into the work of relevant sanctions committees where in accordance with their mandates, and to ensure that sexual violence in conflict expertise, including when it is associated with trafficking in persons in the context of armed conflict consistently informs the work of sanctions committees, and *further expresses* its intention to invite the Special Representatives of the Secretary-General on Sexual Violence in Conflict and on Children and Armed Conflict to brief these sanctions committees, as necessary, in accordance with the Committee's rules of procedure, and to provide relevant information including, if applicable, the names of individuals involved in the trafficking in persons who may meet the committees' designation criteria;

14. *Requests* the Analytical Support and Sanctions Monitoring Team, when consulting with Member States, to include in their discussions the issue of trafficking in persons in the areas of armed conflict and the use of sexual violence in armed conflict as it relates to ISIL (also known as Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities and to report to the Security Council Committee established pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) on these discussions as appropriate;

15. *Encourages* Member States to ensure that existing national strategic frameworks and national action plans against trafficking in persons national action plans and other planning frameworks on women and peace and security, developed through broad consultations, including with civil society, and comprehensive and integrated national counter-terrorism strategies are complementary and mutually reinforcing;

16. *Requests* the Counter-Terrorism Committee Executive Directorate (CTED), within its existing mandate, under the policy guidance of the Counter-Terrorism Committee (CTC), and in close cooperation with UNODC and other relevant entities, to include in CTED's country assessments, as appropriate,

information regarding Member States efforts to address the issue of trafficking in persons where it is committed for the purpose of supporting terrorism, including through the financing of or recruitment for the commission of terrorist acts;

17. *Encourages* UNODC and other relevant United Nations entities, including UNHCR and UNICEF, and other international and regional bodies, including INTERPOL and the International Organization for Migration (IOM), to continue supporting upon request, in accordance with their respective mandates and expertise, Member States efforts to develop such capabilities, including through the exchange of information and the strengthening of networks for regional and international cooperation in relation to trafficking in persons in areas affected by armed conflict; and in this regard, *encourages further* the above-mentioned entities and bodies to train their personnel to prevent and respond appropriately to trafficking in persons in areas affected by armed conflict in all its forms and sexual violence in conflict; support the tracking and identification of individuals and groups responsible for the trafficking in persons in the context of armed conflict; share relevant information to ensure accountability; enhance cooperation in documentation, extradition and legal assistance and enhance public awareness to combat trafficking in persons in armed conflict, including when it is associated with sexual violence in conflict and facilitate accountability;

18. *Takes note with appreciation* of the efforts undertaken by the Special Representative on Sexual Violence in Conflict and the Team of Experts on Rule of Law and Sexual Violence in Conflict to strengthen monitoring and analysis of sexual violence in conflict, including when associated with trafficking in persons in armed conflict and post-conflict situations, used as a tactic of war and also as a tactic by certain terrorist groups, as well as in seeking concrete and time-bound commitments and implementation plans by all parties to conflict to prevent and address such crimes in line with resolutions 1960 and 2106, and *encourages* a more systematic approach and the acceleration of such efforts; furthermore requests information, as appropriate, on practical measures undertaken by parties to the conflict pursuant to the above-mentioned commitments and implementation plans;

19. *Further encourages* Member States to provide training to all peacekeeping personnel to be deployed in UN peace operations in conflict and post-conflict zones on responding to trafficking in persons in the context of armed conflict, gender expertise, sexual exploitation and abuse prevention and assessing sexual violence in conflict as a component of predeployment training, and to ensure that this consideration is integrated into the performance and operational readiness standards against which troops are assessed;

20. *Urges* relevant UN agencies operating in humanitarian crises derived from armed conflict and post-conflict situations to ensure, in accordance with their respective mandates, that the risk of trafficking in persons in armed conflict is considered in protection of civilians and humanitarian needs assessments, that they build their technical capacity to assess situations for instances of trafficking in persons in armed conflict and that they work together to identify, prevent and respond effectively to victims of trafficking; and *calls upon* the Inter-Agency Standing Committee to strengthen the humanitarian community's response to addressing trafficking in persons in armed conflict and exploitation during a crisis through existing protection mechanisms and programming;

21. *Invites* the Secretary-General to integrate, when relevant, the issue of trafficking in persons in the context of armed conflict and post-conflict situations in all its forms as a factor in conflict prevention strategies, conflict analysis, integrated missions' assessment and planning, peacebuilding support and humanitarian response; *requests* that relevant mission and thematic reporting to the Security Council includes information relating to trafficking in persons in the context of armed conflict and recommendations to address it; *requests further* that the Secretary-General takes steps to improve the collection of data, monitoring and analysis of trafficking in persons in the context of armed conflict, in order to better identify and prevent its incidence;

22. *Welcomes* further briefings on trafficking in persons in armed conflict, as necessary, by relevant United Nations entities, including the Executive Director of UNODC, and other international and regional bodies such as IOM; and *encourages* further consideration of the perspective and experience of civil society representatives, in particular of survivors of trafficking in persons in armed conflict, in briefings to the Security Council in relevant country-specific considerations and thematic areas, in accordance with established practice and procedure;

23. *Requests* the Secretary-General to follow up the implementation of this resolution and report, within twelve months, on strengthening coordination within the United Nations system, including through the United Nations' Inter-Agency Coordination Group against Trafficking in Persons (ICAT), to prevent and counter trafficking in persons in armed conflict in all its forms, and to protect those affected by armed conflict at risk of being trafficked, especially women and children; and further requests that this report also consider, inter alia, options for: strengthening efforts by existing subsidiary bodies of the Security Council, Security Council-mandated peacekeeping operations and special political missions, in accordance with their respective mandates, as well as by Member States; data on geographical areas, routes or locations where patterns of trafficking in persons in armed conflict are being developed, in coordination with all relevant UN entities; and recommendations for UN agencies to mitigate the risk of contributing to trafficking in persons in armed conflict through procurement and supply chains;

24. *Decides* to remain actively seized of this matter.